IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NICODEMO DIPIETRO,

Plaintiff

CIVIL NO. 1:CV-15-1137 VS.

THE DEPARTMENT OF CORRECTIONS & ITS EMPLOYEES

LISTED HEREIN, et al.,

Defendants

(Judge Caldwell)

ORDER

AND NOW, this 16th day of October, 2017, upon consideration of Defendants' motion (Doc. 91) for judgment on the pleadings, it is ordered that the motion is granted as follows:

- 1. The motion is denied as to the retaliation claims.
- 2. The motion is granted as to any claim based on the Due Process Clause of the Fourteenth Amendment, and any due process claim in the amended complaint is dismissed.
- 3. The following defendants are dismissed from this action: Barnacle, Glunt, Moore Smeal, Mundy, Rackovan, Tice, Vance, Varner, West, and Wetzel.

/s/William W. Caldwell William W. Caldwell **United States District Judge**